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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO:767 of 2006

DATED: 24-07-2006

Between:

Managing Director, A.P.Women's Co-operative Finance Corporation Ltd., Vengalrao Nagar, Hyderabad

..... APPELLANT

AND

1. N.Shankara Parvathi and another

.....RESPONDENTS

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JUDGMENT: (per BPR, J)

Heard both sides, and at their request, the main writ appeal itself is taken up for disposal.

The appellant herein, which is a Management, seeks to assail the orders of the learned Single Judge, by way of this appeal, dismissing their W.P.No.5873 of 1998 which is filed *interalia* seeking to assail the orders passed in M.W.No.16 of 1995 dated 18-09-

1997 by the authority under the Minimum Wages Act, who is respondent No.2 herein.

In the writ petition, though several grounds were sought to be urged on merits and also even in regard to the entitlement of the amounts as claimed therein, however, the learned Single Judge did not find favour with the appellant since it did not appear, and *exparte* orders were passed. Even in this appeal also though it was stated that the appellant had filed a detailed counter-affidavit, the same was not taken into account by the second respondent.

Having heard the learned counsel and also on perusal of the material on record, it is seen that, admittedly, the appellant did not participate in the enquiry before the second respondent herein, and though they have filed a counter-affidavit, it is only on the basis of the evidence and material produced on behalf of the contesting respondent No.1 herein, the authority had passed the order holding that he is entitled to the amounts as claimed therein. No doubt, the appellant had filed a counter-affidavit before the authority.

In view of the same, it is felt more desirable that an opportunity has to be given to the appellant to contest the matter on merits.

During the course of arguments, it is represented by the learned counsel for the appellant that the amount as ordered by the tribunal has already been deposited.

Taking into consideration the above facts and circumstances, the writ appeal is disposed of permitting the appellant herein to file appropriate application before the second respondent itself seeking for setting aside the *exparte* orders. Till disposal of the said application, the respondent No.1 is permitted to withdraw half of the deposited amounts without furnishing any security. On filing of such application by the applicant, the same would be considered and disposed of on merits and in accordance with law. No costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

24th July, 2006
SKM